

REMARKS

Status of the Claims

Claims 1-7 are pending in this application.

Claims 1-7 are rejected.

Claim 7 has been cancelled, without prejudice.

Claim 5 has been amended. Support for this amendment can be found throughout the specification, claims, and drawings, as originally filed.

Rejection of Claims 1-7 Under 35 U.S.C. § 102(b)

Claims 1-4 and 7 stand rejected under 35 U.S.C. § 102(b) as being clearly anticipated by U.S. Patent No. 5,255,164 to Gabriel Eidelman (hereinafter referred to as Eidelman). Additionally, claims 1, 5 and 6 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,325,403, issued to Illiano (hereafter referred to as Illiano).

Regarding the rejection of claims 1-4 and 7. The Office Action stated that:

Eidelman discloses a side illumination arrangement for a motor vehicle arranged to illuminate the lower part of the side of the vehicle and the adjacent ground, in which the lights are mounted below the level of the bottom of the vehicle windows (2, Figure 1) without requiring any extensive modification to the body, wherein the vehicle has a horizontally extending rubbing strip mounted on a vehicle door below the level of a window in said door and a downwardly directed light is mounted in said rubbing strip, having a plurality of lights (col. 4, lines 6-8) spaced apart from one another along said rubbing strip, having a respective rubbing strip on each side of the vehicle and a downwardly directed light mounted within each rubbing strip (Figure 1).

The object of Eidelman was to address the problem of vehicles operating at night only being primarily visible from the side rear of the vehicle. See col. 1, lines 49-52. Eidelman discloses a vehicle lighting system providing "one or more light sources

located at the sides and/or the roof of the vehicle.” Col.1, lines 65-66. These light sources will be elongated and mark the entire length of the vehicle. Col.1, lines 66-68. One of the main purposes of Eidelman is to “...significantly improve **side-on** and from above visibility of motor vehicle and reduce accidents caused by poor visibility.” See col. 2, lines 64-66. [Emphasis added].

The Applicant respectfully traverses the 35 U.S.C. § 102(b) rejection of claims 1-4 and 7. Regarding the rejection of claim 1, Applicant points out that Eidelman fails to disclose a lighting arrangement “...arranged to illuminate a lower part of the side of the vehicle and the adjacent ground...” The figures and disclosure of Eidelman do not disclose the illumination of the side or the adjacent ground of the vehicle. To the contrary, Eidelman’s purpose is to improve side on and from above visibility of the motor vehicle. See col. 2, lines 64-66. There is no mention of illuminating the side of the vehicle or the adjacent ground as required by claim 1 of the present application. As noted above, the primary purpose of Eidelman is to improve vehicle demarcation and to have signaling functions such as parking lights, back up lights, left and right turn indicator lights, brake lights and emergency flashing lights. See col. 2, lines 23-28. All of these purposes suggest that the illumination arrangement described in Eidelman does not illuminate the side and adjacent ground of the vehicle. Additionally, each of the figures in Eidelman do not indicate any direction of travel of the rays of light emitted from the illumination arrangement. The Applicant contends that Eidelman fails to disclose each and every element of claim 1, therefore, Applicant respectfully requests removal of the rejection of claim 1 in light of the Eidelman reference.

Additionally, it would not be obvious to modify Eidelman to meet each of the limitations described in claim 1 of the present application. The reason for this is that it is clear that the purpose of Eidelman is to improve vehicle demarcation and provide a

signaling function to other vehicles located to the side and above. Modifying Eidelman to illuminate the adjacent ground and side of the vehicle would clearly interfere with the purpose of Eidelman.

Regarding claim 2, Applicant points out that claim 2 is dependant upon claim 1, and since Eidelman fails to disclose each and every element of claim 1, it will also fail with respect to claim 2. Furthermore, Applicant asserts that Eidelman does not disclose a side illumination arrangement in the form of a "...horizontal external rubbing strip...and a downwardly directed light...mounted within said rubbing strip." See claim 2 of the present application. Eidelman does not mention a rubbing strip, much less forming an illumination arrangement inside a rubbing strip. Furthermore, Eidelman does not disclose a downwardly directed light. Functionally speaking, the light source in Eidelman could not be downwardly directed since the primary purpose of the Eidelman reference, as stated above, is to improve visibility from the side and above the vehicle. See col. 2, lines 64-66 of the Eidelman reference. Since Eidelman fails to disclose each and every element of claim 2, Applicant respectfully requests removal of the rejection of claim 2 and allowance thereof. Furthermore, Applicant maintains that it would not be obvious to modify Eidelman to encompass claim 2 since having a rubbing strip with a downwardly directed light would severely impair the operation of Eidelman.

Regarding claim 3 of the present application, Applicant points out that claim 3 is ultimately dependant upon claim 2 and claim 1. Since Eidelman fails to disclose each and every element of claim 1 and claim 2, it will also fail to anticipate claim 3 of the present application. Furthermore, claim 3 of the present application discloses "...lights spaced apart from one another along said rubbing strip." Eidelman does not disclose using an illumination arrangement formed in a rubbing strip as required by claim 2 and claim 3. Therefore, Applicant respectfully requests removal of the rejection of claim 3

since Eidelman does not disclose each and every element of the claim. Furthermore, Applicant maintains that it would not be obvious to modify Eidelman to encompass claim 3 since having a rubbing strip with a downwardly directed light would severely impair the operation of Eidelman.

Regarding the Office Action's rejection of claim 4 in light of Eidelman, Applicant points that claim 4 is dependant upon claim 2, which is ultimately dependant upon claim 1. As pointed out above, Eidelman fails to disclose each and every element of claim 2 and claim 1, therefore it will fail to anticipate claim 4 based on that fact alone. Claim 4 of the present application describes "...a respective rubbing strip on each side of the vehicle and a downwardly directed light mounted within each rubbing strip." As stated above during the discussion of the rejection of claim 2, Eidelman does not disclose an illumination arrangement formed within the rubbing strip, nor does Eidelman disclose a downwardly directed light mounted within the rubbing strip. To the contrary, the purpose of Eidelman is to improve side-on and above visibility of a motor vehicle, therefore, it would not be practical to have a downwardly directed light when trying to improve side-on or above visibility of a motor vehicle. See col. 2, lines 64-66 of the Eidelman reference. Since Eidelman fails to anticipate each and every element of claim 4, as well as the claims from which it depends, Applicant respectfully requests removal of the rejection claim 4. Additionally, it would not be obvious to modify Eidelman to encompass the limitations described in claim 4, since the addition of a said illumination arrangement incorporated within a rubbing strip, and a downwardly directed light would severely impair the primary purpose of the Eidelman patent. That is, such a modification would interfere with making the motor vehicle more visible from the side or above.

With regard to claim 7, the Office Action's rejection has been obviated by an amendment cancelling claim 7.

Regarding the Office Action's rejection of claims 1, 5 and 6, the Office Action stated that:

Illiano discloses windows a side illumination arrangement for a motor vehicle arranged to illuminate the lower part of the side of the vehicle and the adjacent ground, in which the lights are mounted below the level of the bottom of the vehicle windows (13, 14 figure 1) without requiring any extensive modification to the body, a downwardly directed light mounted inside a wheel arch of a motor vehicle (figures 2-3), wherein a respective downwardly directed light is mounted inside each wheel arch of said motor vehicle (see figure 1).

Illiano describes a light mounted on the underside of a fender in a wheel housing to act as an emergency tire lamp. The purpose is to provide the vehicle operator with a light while facilitating such operations such as changing a tire or applying chains during the night time. See page 1, lines 1-10. The lighting system is located above each of the 4 tires on the vehicle. See page 2, lines 9-14.

The Applicant respectfully traverses the 35 U.S.C. § 102(b) rejection of claims 1, 5 and 6. Regarding claim 1 of the present application, Applicant asserts that Illiano fails to disclose a side illumination arrangement that is "...arranged to illuminate the **lower part of the side of the vehicle** and the adjacent ground..." First, Illiano does not describe a side illumination arrangement, but rather describes an illumination arrangement positioned deep inside a wheel fender. Illiano does not specify, nor can it be seen in the figures what area of the vehicle (or around the vehicle) the lighting arrangement illuminates. Since the figures of Illiano show the light arrangement well inside of a wheel housing, this patent fails to teach illumination of the "lower part of the

side of the vehicle and the adjacent ground”, as required in claim 1 and claims 5 and 6 dependent thereon. Given the ambiguous language and figures of the Illiano reference, Applicant maintains that Illiano does not anticipate each and every element of claim 1. Therefore, Applicant respectfully requests removal of the 35 U.S.C. § 102(b) rejection of claim 1 in light of Illiano. Furthermore, it would not be obvious to modify Illiano to illuminate the side of a vehicle and adjacent ground since such a modification would severely disrupt the primary objective of Illiano, that is, to provide an emergency light for use when changing a vehicle tire or adding chains to the tires.

With respect to the Office Action’s rejection of claim 5 and claim 6, Applicant points out that each of these claims are ultimately dependant upon claim 1. For this reason, Illiano will fail to anticipate claims 5 and 6, since it fails with respect to claim 1. Therefore, Applicant respectfully requests removal of the 35 U.S.C. § 102(b) rejection of claims 5 and 6.

The law is clear that anticipation requires that a single prior art reference disclose each and every limitation of the claim sought to be rejected. 35 U.S.C. § 102(b).

In view of the foregoing, the Applicant respectfully submits that claim 1 patentably distinguishes the present invention over the art cited by the Examiner. Therefore, the Applicant respectfully requests withdrawal of the rejection. Likewise, claims 2-6, which depend from claim 1, further define the invention and define over the art cited by the Examiner. Thus, Applicant respectfully requests withdrawal of the rejection.

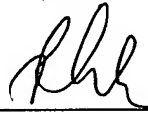
CONCLUSION

It is respectfully submitted that in view of the above amendments and remarks the claims 1-6, are patentably distinguishable because the cited patents, whether taken alone or in combination, do not teach, suggest or render obvious, the present invention. Therefore, Applicant submits that the pending claims are properly allowable, which allowance is respectfully requested.

The Examiner is invited to telephone the Applicant's undersigned attorney at (248) 364-4300 if any unresolved matters remain.

Respectfully submitted,

WARN, BURGESS & HOFFMANN, P.C.
Attorneys for Applicant(s)

By: 
Philip R. Warn
Reg. No. 32775

P.O. Box 70098
Rochester Hills, MI 48307
(248) 364-4300

Dated: January 14, 2004

PRW:GLO:acw:jmz

RECEIVED
JAN 23 2004
TECHNOLOGY CENTER 2800